Courts

1909

File No 227-09

Serial No. 1-4

G. R. S. 58]

Previous references.

Police 135-09. 546

1909.

(Courts.)

File No. 227-09

Serial Nos. 1-4

Later references.

Ch 220-10

ch 90-12-12

Ch 109-13-1-47

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1- 4

Part B for Jan 11.

SUBJECT.

Appointment of a guardian to the minor ward of Shimmajammal's Estate at North Arcot D[istrict]

Table of Contents.

1. From the J[oint] A. Resident No 227 / 09 of 17.6.10.

States that the Collector of North Arcot D[istrict] has been advised to move the D[istrict] Court at Shimoga to appoint the Rep[resentative] Shimoga as guardian of the ward named above & requests that the D.C. may be permitted to accept the guardianship

2. To the J[oint] A. Resident no Pol 1024 of 3.6.1910.

States that it will be convenient for the D.C. to see the guardian & that the Durban regret their inability to call upon him to accept the guardianship

GPB—5,000—22-10-16

ame officer No 6,581 of 30.7.10,
at the difficulty felt in making
responsible for the actual care
ation of the minor may well be
led to express the hope that
ay would further the benevolent
of the Legislature

T.H. President No 622 of 6-1-11.
it is hoped that the memorandum is
to be sparingly distributed and that its
contents should be worked to obtain
cession of the Zulu and by any means.

G. R. S. 11] 1909-10.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

C/S File No. 227-09

FILE HEADING.

Appointment of a guardian to the minor ward of the Thimmajiammal's Estates, North Arcot District

From The First Assistant to the Resident

No. 2277 Dated 12.4.1910 Received 17.4.10.

Diary No. 12893 | Enclos. nil. Spare Copies. .. | Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that the Collector of the North Arcot Distt. has been advised to move the District Court at Shimoga to appoint the Dy Commissioner, Shimoga District as guardian of the ward referred to above, and requests that the Dy. Commr. Shimoga may be permitted to accept the guardianship.

NOTES AND ORDERS.

Submit for orders. The minor ward Sanja Hanumappa Naik is reported to be at Tarikere under the protection of his father.

HCS SN 14.4.1910 15/4/10

It is presumed that the guardianship will be only in respect of the

NOTES—First sheet.

MGCPB—30,000—17 2-05.

Serial No.

person of the minor. If so, there seems to be no objection to the acceptance of the office by the Deputy Commr. The new Guardian Wards Bill is now before the Legislative Council contemplates the appt of the Deputy Commr as guardian in certain cases.

Section 7(c) Reg N.

16/4/10. SH

Sec'y.

2) Since writing the above two objections occur to my mind.

(1) The ward is said to be in Tanikai in Kadur District and if so, the Deputy Commr of Kadur rather than that of Shimoga may be recommended for the Guardian Ship Cert.

(2) Under the Minors' rules which are yet law in the Province the Guardian whoever he may be has got to furnish Security to the Court under Rule 11. I can not see how this obligation can be overcome. In this view it does not seem desirable

NOTE—Contn. sheet.

GPB—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

File No. 27 of 1909.

Serial No.

that any high placed office of the Myme. Govt. showed lake up the task. To the appointment of officers of lesser rank, the Govt of Madras may not consent.

16/4/10

Secy) It may not be difficult to find a respectable person — say an advocate — the chief Court willing to undertake the guardian-ship offering security & receiving a suitable remuneration for his services.

2nd Secy)

23/4

3383.

3) Shunga is mentioned on account of misinformation & we may correct the mistake. Would not the guardians' Regn come into effect before proceedings can be taken? It is open to the D.C. to decline & suggest another person. (Draft a letter pointing out these difficulties & saying that if the D.C. Madura can conveniently undertake the work, this Govt will have no objn.

25/4/10

26/4/10

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Putty draft. 27/4 28/4

G. R. S. 12]
General and Revenue Secretariat.

File No. 227 of 1909-10.

Serial No. 6

Subd with a draft letter to the Residency

HC2 28.4.10 SW 28/4/10

28/4/10

Dlvd through 2nd cr

6036 9-5-10 with book

4/5/10 Please say in reply that it will be inconvenient for the Dy Cr of the Distt & the guardian under the rules of 1892 and the Durbar regret they are not in a position to call upon him to accept the position of a guardian

17 May 10

Putup agn

cm 18/5/10

18570

12/8/5

Draft Subd

HC2 19.5.10 19/5

18570

6301 26-5-10

Dlvd

Draft approved - cm 27/5/10

for d'Emden Mackenzie

Spie

GPS—55,000—27-4-09

6062

Note—Contn. sheet.

Serial No.	
	14 I agree. Hm 31/5/10 15 Issue 1/6/10 1/6/10
2	To the First Assistant to the Resident. N° 1024 d 3-6-1910. States that it will be inconvenient for the Deputy Commissioner of the District to be guardian under the rules now in force, and that the Durbar regret they are not in a position to call upon him to accept the position of Guardian.
3	From the Same Officer, N 4581 d 30-7-10. States that the difficulty felt in making the Dy Commissioner responsible for the actual care and education of the minors may well be ~~accepted~~ appreciated; and expresses the hope that the Durbar will find themselves able to further

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

the benevolent intentions of the Madras Govt by kindly instructing the Dy Commissioner of Shimoga to obtain possession of the minor and hand him over to the Court of Wards.

Filed for orders.

with a copy of the Civil Court

Secy to Govt
1.8.1910.

Please note how the Dy Commr is to take (legally) possession of the minor? Do the Minors' rules or any other rules provide? (Let this come up thro' the Legislative Section) Early

1/8/10

It seems that if at all action has to be taken it must be under the Minors' rules of 1902. Under rule 4 of these rules, any relative or friend of a minor, or where the property of the minor consists, in whole or in part, of land or of any interest in land, the Collector of the District in which the land is situate may apply to the Civil Court to appoint a fit person to take charge of the property or person of such minor. The proper person who can thus take any

H.P.

GPB—55,0-9-27-4-09

Serial No.

action in such cases under the law as it stands at present seems to be the Guardian; and even assuming that the rules while mentioning Guardian meant to include in it the higher authority the Deputy Commr, these can, it seems, interfere only if there is any property of the minor left in their jurisdiction. But it does not appear that there is any property of the minor left in this State to enable either the Guardian or the Deputy Commr as such of the place where he is supposed to reside to make an application to the proper Court to obtain possession of the minor and then hand him over to the Madras Court wards as has been requested to be done. They will therefore have to appear as friends of the minor. This perhaps is not an advantageous position after all, and may well be left to be assumed by the Court of Wards itself. From para 2 of the Residency letter of the 27th January 1910 it will be seen that the necessary action was originally intended to be taken by the Court of Wards itself. This seems to be the safest course to adopt.

Subject to further orders. It is difficult

NOTE—Contn. sheet.

2/18/10 CN

G.P.B.—55,0·N—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

File No. 127 of 1909-10

(8)

Serial No.

to see how the Deputy Commr can take possession of the minor, whose present guardians may possibly object. The only feasible course appears to be to request the Court of Wards to send them representative here to take charge of the minor. The Deputy Commr may in that case be instructed to render all possible assistance to the representative.

19 Forwarded to the Govt Advocate for favour of opinion and for suggesting the most proper course under the circumstances.

B. O.

S Bhujanga Rao

Secy.

3/8/10.

U. O. J 2

U. O. 8 dated 4-8-1910. Also a boy

20 The minor girl is said to be under the protection of her father who is her natural guardian. His right to the custody and companianship of his child is not lost by the mere fact that she is made a ward of the Court of Wards in a foreign state, ie, Madras, in respect of some property situated there. If the father cannot

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

cannot be persuaded to place the girl under the guardianship of the Deputy Commissioner or any other person — as agent of the Court of Wards, it is illegal for any executive officer to take her out of the custody of her father.

21 The District Judge has no jurisdiction to appoint a guardian unless the minor has some property of her own within the local limits of the Court and unless — the Court finds, on evidence, that it is necessary, in the interests of the minor, to appoint some body other than the father as guardian of the infant.

the greater part

6. 8. 1910. S. Narayanarao
Govt adv.

III 6/8/10
11
15-8-10

Subd for orders.

Secs SW 6.8.10 ~~It the Circumstances may perhaps inform the Residency that as the Deputy Commr cannot legally obtain possession of the minor, all that the Durbar can do is to instruct him to render all facilities to the Representative of the Court of Wards.~~ It is to be feared that we will have to plead inability to comply with the request of the Resr

Subd to Secretary.

22

6/8/10.

Please return 2 of the 1872 Rules.

NOTE—Contn. sheet.

GPB—55,000—27-4-09

9/8/10 P.J.O.

6/8/10

9/8/10.

G. R. S. 12]
General and Revenue Secretariat.

Ct File No. 227 of 1909/10

(W)

Serial No.

23

Subd. The Rules relating to the custody and guardianship of minors &c, issued with Govt of India Notification N° 75 & 25th April 1872 are printed at pages 84 to 88 of the Civil Digest. Only section 5 thereof has been modified and reissued under the Mysore Govt Notification N° 177 & 22.6.1883, and this is also indicated ~~referred~~ at the end of that Rule in the Civil Digest. Subd for orders

Hcs SW
9.8.10.

9/8/10

Let)

Please put up a draft inviting reference to our letter Serial no 6 & stating that under the Rules of 1872 the application for the appointment of a guardian should be made in the Court of the District Judge within whose jurisdiction

24 We do not know the circs. under which the Court wards seek to take the minor children away from the custody of the father. Under the rules of 1872 it is open

NOTE—Contn. sheet.

GPB—55,000—27.4.09

Serial No.

to the Court of Wards to make an application to the Dt Judge of Shimoga for the purpose.

25 Executive action to obtain possession of the minors is impossible.

26 Please submit a draft making this clear -

CS
11/8/10 -

27
A draft letter to the Resy is put up.

28 From the first para of T.A. Resident's letter No 2277 of the 12th April 1910 it seems that both the Madras Govt and the Resy are aware of the provisions of the rules of 1872 and of the proper procedure to be adopted in the matter. What the Resy now wants is, probably, that the Durbar should instruct the D.C. Shimoga to act as the or behalf of the Court of Wards in the matter of making the necessary application to the Dt Judge of Shimoga. If this is correct draft will be altered suitably & Submitted for orders.

The Rendering letter is not clear.
SN
12/8/10

CS. SN
11/8/10 12/8/10 Respectfully resubmitted for consideration

29 It is not clear from the letter under disposal that possession

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

of the minor is sought to be obtained by executive action on the part of the Dy Comr. It seems more probable from the context that to overcome the objections of first to the appointment of the Dy Comr as guardian, it is proposed to limit the responsibility of the Dy Comr, as such guardian, to the making over of the minor entrusted to him, to the Court of Wards. The Dy Comr, it seems to me, is req^d to obtain custody of the min as guardian, and then, in the exercise of his powers as such guardian, to hand his ward over to the Court of Wards.

30 This procedure is too roundabout, and ~~the~~ is still open to the objection noted by Mr Hiriyanna that it wd entail on the Dy Comr the necessity to furnish security.

31. The Court of Wards can easily move the Dist Court of Shimoga to appoint the Collector of N Arcot within whose jurisdiction the

NOTE—Contn. sheet.

GPB—55,000—27-4-09

G.R.S. 12]
General and Revenue Secretariat.

C5 File No. 227 of 190 9

Serial No.

both of the minor's properties are situate — guardian of the minor; and sec 1 of Act XX of 1855 to vest entire control of the wards' education in the officer to be appointed.

When once a guardian is appointed legally, the Dy Comr of Shimoga may, without placing himself in a false position, render such assistance as may be necessary to that guardian for securing custody of the ward. There is nothing however, to indicate that any difficulty is anticipated, or that such assistance would be necessary.

3 2 If this view is correct, the draft portion would need to be modified.

Sec 3)

17.8.10

8 Trevelyan - p 386 -

with 2 books
Note Book &
Procedure's Law
relating to Minors -

GPB—55,000—27.4.09

Serial No.

33 The draft since putup by Mr Hiranmaiya may be approved.

Dewan through 2nd Dy CM
21/9/10
SB

486. 34 There must be some serious dispute involved in the affair. The Govt or its officers can only act strictly under the law & cannot help by mere motives of benevolence. The draft reply may be sent.

8059
24.9.10
26 cdts

22/9/10
HM
SB
24/9/10

1) To 1367 & 2 Ddtos Pg. 16
2) Fr 1843 & Ddt do.

Vide DO. correspondence with Depy Com[r] of Kadur; and draft reply approved and initialled by the Dewan

HM
31.12.10

Issue
SB
3/1/11
SB
3/1/11

19/1/11

NOTE—Contn. sheet.

GPB—55,000—27.4.09

G. R. S. 12]
General and Revenue Secretariat.

Ct File No. 227 of 1909-10

15

Serial No.	
4	To the J.A. Resident N° 622 & 6-1-1910. States that the minor ward is under proper Guardianship and that the Dy Commissioner should be asked to obtain possession of the person of the minor whether through the Civil Courts or otherwise

NOTE—Contn. sheet.

GPB—55,000—27-4-09

16

Confidential

D. O. No. 1367
En 5

Mysore
2d October
1910

My dear Sir,

I send for your perusal & consideration co-pies of the ma-ginally noted correspondence between the Dewan-bar and the Residency in the matter of the handing over of the Minor ward of Thimmaji-Ammanni State to the Court of Wards - Kind

have prepared Opinion on the Geneva question generally and also to me by me know whether you can arrange to carry out the wishes of the Residency as contained in their last letter dated 30th July 1910. The Court of Wards evidently want the minor ward for his proper care and education — He is stated the living with Tankere with his father who is opposed the concealing himself —

2. A very early reply is requested.

Yours Sincerely

Dewan Peshi

K. R. Srinivasaraghava Iyengar Esq Ma
Dy to Govt Kurnool

List of Enclosures.

1 Reay No 4873 dd 16. 9. 08
" 4962 dd 21. 9. 08
" 5015 dd 22. 9. 08
" 5260 dd 9. 10. 08
"
Durbar's letter No 278 dd 20. 10. 08
" 320 dd 5. 11. 08
"
2 Reay No 484 dd 27. 1. 10.
~~Durbar's letter No 6890 dd 18. 2. 10~~
Reay letter No 2277 dd 12. 4. 10.
3 Durbar's letter No 1026 dd 3. 6. 10
4 Reay letter No 4581 dd 30. 7. 10
5

Letter No.650 dated the 6th September 1908 from the Collector and Agent to the Court of Wards, North Arcot, to the Hon'ble the Resident in Mysore, Bangalore.

I have the honour to state that under instructions from the Court of Wards, Madras, I have directed the Manager of the Thimmaji ammal's Estate now under the Court's Management to go to Bangalore and bring over to Chittoor the Minor proprietor of the Estate who is now living with his step grand mother Satyamma Nagati Garu in Nos. 8 and 9, Cottonpet, Bangalore City. I request you will be good enough to arrange that if necessary the Mysore Government Officials at Bangalore may give the Manager any assistance he may require in the matter. The father of the child, Sarja Pattabhiramappa Naik, has been standing in the way of the removal of the Minor to Chittoor and may give trouble to the Manager.

-o-o-o-o-o-

The Resident's Office.

No.4873. Bangalore, 16th Septr. 1908.

Copy of the foregoing letter is forwarded to the Government of H.H. the Maharaja of Mysore with a request that if there be no objection, all reasonable facilities may be given to the Manager of the State concerned.

Sd/- P.L. Moore,

Offg. First Assistant Resident.

"Copy"

Sd) K. Matthan

Under Secretary on duty with the Dewan.

Letter No.484, dated Bangalore, 27th January 1910, from the First Assistant Resident, to the Dewan.

I am directed to invite a reference to the correspondence ending with Mr. Chandrasekhara Iyer's letter No.320-Pol., dated the 5th November 1908, regarding the minor ward of the Thimmajiamma's estate in the North Arcot District of the Madras Presidency.

2. It is reported that the exact whereabouts of the ward are still unknown. It is, however, understood that his father is living at Bangalore or Tarikere and is in hiding to avoid the execution of warrants of the Mysore Civil Courts, and that the ward and his sister, together with their grand-mother are living somewhere else in the interior of the Mysore State. The Court of Wards, Madras, have accordingly decided to institute legal proceedings in the Mysore Courts for the recovery of the person of the minor, under Rule 4 of the Rules notified by the Government of India in the Foreign Department No.75-Judicial dated the 25th April 1872.

3. In the meantime, I am, at the instance of the Madras Government, to request that the Durbar will be so good as to take what steps they can towards protecting the minor from harm.

-o-o-o-o-o-o-o-

"Copy"

Sd) K. Matthan

Under Secretary on duty with
the Dewan.

Letter No.2277, dated Bangalore, 12th April 1910, from the First Assistant Resident, to the Dewan.

In continuation of this office letter No.484, dated the 27th January 1910, regarding the minor ward of the Thimmajiamma's estate, I am directed to state that the Collector of the North Arcot District, who sought legal opinion in the matter, has been advised to move the District Court, Shimoga, within whose jurisdiction the ward is believed to be now living, to appoint the Deputy Commissioner, Shimoga District, as guardian of the ward, under the rules promulgated in Foreign Department Notification No.75-I., dated the 25th April 1872, which have the force of law in the Mysore State.

2. I am, therefore, at the instance of the Madras Government, to request that, in the special circumstances of the case, the Durbar will be so good as to permit the Deputy Commissioner of Shimoga to accept the guardianship of the minor. On this officer being appointed guardian, instructions will be issued by the Madras Government to have the necessary funds placed at his disposal to enable him to make satisfactory arrangements for the care and education of the minor.

-o-o-o-o-o-o-

"Copy"

Sd) K. Muttiah

Under Secretary on duty with
the Dewan.

Copy of letter No.1026-Pol., dated 3rd June 1910, from the Secretary to Government, Genl. & Rev. Dept., to the First Assistant Resident in Mysore.

I am directed to acknowledge the receipt of your letter No.2277 dated the 12th April 1910, regarding the appointment of the Deputy Commissioner, Shimoga District, as guardian of the minor ward of Thimmajiammal's Estate, North Arcot District.

In reply, I am to state that it will be inconvenient for the Deputy Commissioner of the District to be guardian under the rules of 1872 and that the Durbar regret they are not in a position to call upon him to accept the position of a guardian.

-o-o-o-o-o-o-

"Copy"

Sd) K. Matthan

Under Secretary on duty with
the Dewan.

Confidential letter No.4581, dated Bangalore, 30th July 1910, from the First Assistant Resident, to the Dewan.

I am directed to invite a reference to Mr. Balasundaram Iyer's letter No.1026, dated the 3rd June 1910, in which it was stated that the Durbar were not in a position to call upon the Deputy Commissioner of Shimoga to accept the position of guardian of the minor ward of the Thimmajiamma's Estate, North Arcot District.

2. The difficulty which the Durbar feel in making the Deputy Commissioner responsible for the actual care and education of the minor may well be appreciated. It is, however, understood that the Durbar will not object, if the duties of the Deputy Commissioner were limited to making over the minor to the Court of Wards, Madras. In these circumstances, I am, at the instance of the Madras Government, to ? express the hope that the Durbar will find themselves able to further the benevolent intentions of the Madras Government towards the minor in this somewhat unusual case by kindly instructing the Deputy Commissioner of Shimoga to obtain possession of the minor and hand him over to the Court of Wards.

-o-o-o-o-o-o-

"Copy"

Sd' K. Krattiah

Under Secretary on duty with the
Dewan.

D. O. No. 7-1843 71

Office of the Deputy Commissioner,
Kadur District.
Dated Camp Mysore, October 1910.

Dear Sir

In reply to your D.O. No. 1367/5 dated the 2nd instant re the handing over of the minor ward of Thimmajammal's Estate to the Court of Wards, I beg to state as follows:-

It is ascertained that the minor ward in question as also his sister are living at Tarikere under the protection and guardianship of their father Sarja Pattabirama Naik who is a Pollegar pensioner of the Mysore State. The boy is attending the local school and is also instructed by a private tutor. Since the death of his wife - the mother of the minor children - Pattabirama Naik has not married again; and he is said to be very much attached to and to be taking every possible care of them. His unwillingness to hand over the children to the Court of Wards is reported to be due to his disinclination to be separated from them.

The lands and houses of Pattabirama Naik are said to have been attached and sold by the Civil Court in satisfaction of the debts he owed to one Kenchana Krishnappa of Bangalore. But it does not appear that there has been any warrant of arrest against him or that he has been concealing himself to evade the execution of such

warrants. On the contrary, it is said that he is seen occasionally going about in the Tarikere town.

I am not aware of any provision of law under which I can carry out the wishes of the Residency to remove the boy from the custody and guardianship of his father and hand him over to the Court of Wards at Madras; and I beg therefore to be favoured with instructions in the matter.

I beg to remain
Your obedient servant
W. Francis

T.Ananda Row Esq., B.A., C.I.E.,
Dewan of Mysore.

No. 2277

FROM

MAJOR W. G. GREY, I. A.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 12th April 1910.

SIR,

In continuation of this office letter No.484, dated the 27th January 1910, regarding the minor ward of the Thimmajiamma's estate, I am directed to state that the Collector of the North Arcot District, who sought legal opinion in the matter, has been advised to move the District Court, Shimoga, within whose jurisdiction the ward is believed to be now living, to appoint the Deputy Commissioner, Shimoga District, as guardian of the ward under the rules promulgated in Foreign Department notification No.75-I., dated the 25th April 1872, which have the force of law in the Mysore State.

2. I am, therefore, at the instance of the Madras Government ---

Government, to request that, in the special circumstances of the case, the Durbar will be so good as to permit the Deputy Commissioner of Shimoga to accept the guardianship of the minor. On this officer being appointed guardian, instructions will be issued by the Madras Government to have the necessary funds placed at his disposal to enable him to make satisfactory arrangements for the care and -- education of the minor.

I have the honour to be,

Sir,

Your most obedient servant,

H. G. Grey Major,

First Assistant Resident.

K.M.

G.R.S. 26]

a1610 at

Cs. File No. 227/09

Serial No. 2.

*Diary No. of letter replied to*_____

Pol. No 1026.

General and Revenue Secretariat

( )

, *the* 190

To The First Assistant to the Resident.

Date of issue 3-6-1910

Signed by

Sir,

I am directed to acknowledge the receipt of your letter No 2277 dated the 12th April 1910, regarding the appointment of the Deputy Commissioner, Shimoga District as guardian of the minor ward of Thimmajammal's Estate, North Arcot Dist.

In reply, I am to state that it will be inconvenient for the

over.

SUBJECT.

Deputy Commissioner of the
District to be guardian
under the rules of 1872
and that the Durbar
regret they are not in
a position to call upon
him to accept the
position of a guardian.

I have &c

USB

Secretary.

28 May 10

31/5/10

Dfo
Hes
19.5.10
NO 515

List of enclosures

Nil

Copied by

Examined by SW 31/5

GPB—10,000—20-4-06.

Confidential

No. 4581.

Pol. 181

813 J322 dt 30-7

FROM

MAJOR W. G. GREY, I. A.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

III Pls
Early with
reference

Dated Bangalore, 30th July. 1910.

SIR,

I am directed to invite a reference to Mr. Balasundaram Iyer's letter No.1026, dated the 3rd June 1910, in which it was stated that the Durbar were not in a position to call upon the Deputy Commissioner of Shimoga to accept the position of guardian of the minor ward of the Thimmajiamma's Estate, North Arcot District.

2. The difficulty which the Durbar feel in making the Deputy Commissioner responsible for the actual care and education of the minor may well be appreciated. ⟶

⟶ It is, however, understood that the Durbar will not object, if the duties of the Deputy Commissioner were limited to making over the minor to the Court of Wards, Madras. In these circumstances, I am, at the instance of the Madras Government, express the hope that the Durbar will find themselves able to further the benevolent intentions of the Madras Government towards the minor in this somewhat unusual case by kindly instructing the Deputy Commissioner of Shimoga to obtain possession of the minor and hand

R. P. B.—6-1910.—500.

E. P. B.—5-1910.—1,000.

hand him over to the Court of Wards.

I have the honour to be,

Sir,

Your most obedient servant,

W. G. Hey Major,

First Assistant Resident.

K.M.
29.7.10.

Exd.

G.R.S. 26]

File No. 227-09

Serial No. 4

*Diary No. of letter replied to*_____

Pol. No. 622

General and Revenue Secretariat

( )

, the 19 .

To

The First Asst to the Resident

Date of issue 6-1-1911.

Sir,

Signed by

Mr C S Balasundaram

I am directed to reply to your letter No. 4581 of the 30th July 1910 in regard to the custody of the minor ward of Minmajaumal's Estate in the North Arcot District

2. It is reported by the Deputy Court of Kadur that the minor ward and his sister are living at Tarikere in the Kadur Tk under the protection and guardianship of their

over.

SUBJECT.

father Sarja Pattabhirama Naik,
who is a Poligar pensioner of
the Mysore State, and that the
boy is attending the local school
and is also instructed by a private
tutor. Since the death of his wife—
the mother of the minor children—
Pattabhirama Naik has not
married again, and he is said
to be very much attached to
the children and to be taking
every possible care of them. His
unwillingness to hand over the
children to the Court of Wards is
reported to be due to his disinclination
to be separated from them. The
Deputy Commr further reports, with
reference to the statement
contained in para 2 of your
letter No. 484 of the 27th
January 1910, that Pattabhirama
Naik's lands and houses are said
to have been attached and sold
by the Civil Courts in satisfaction
of his debts, but that it does

List of enclosures,

Copied by

Examined by

GPB—20,000—12-8-10

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

not appear that there has been any warrant of arrest against him or that he has been concealing himself to evade the execution of such warrant.

3. ~~In these circumstances it~~ appears to the Durbar that the minor boy is under what must be considered to be proper guardianship and that the Deputy Comr cannot therefore well be asked to obtain possession of the person of the minor whether through the medium of the Civil Courts or otherwise. As regards the former course there is the further objection that the Depty Comr will have to furnish security to the Civil Court, which, of course, is out of the question. And as regards the latter course, any attempt to obtain possession of the minor otherwise than through the medium of the Civil Courts is likely to render the Depty Comr liable to the risk of civil action.

4. In these circumstances I am to express regret that the Durbar are not in a position to meet the wishes of the Madras Govt in

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the matter and by instructing the Depty Comr to obtain possession of the minor and hand him over to the Court of Wards.

I have se

CSO 31/1/11

Asst Secy

30/12/10